

AMENDED IN SENATE APRIL 5, 2000
AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN SENATE JULY 13, 1999
AMENDED IN SENATE JUNE 28, 1999
AMENDED IN ASSEMBLY JUNE 1, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1255

Introduced by Assembly Member Wright
(Principal coauthor: Senator Solis)

February 26, 1999

An act to add and repeal Chapter ~~1.3~~ 3 (commencing with Section 1210) of Title 8 of Part 2 of the Penal Code, relating to sentencing and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. *Section 13720) of Title 5 of Part 4 of the Penal Code, relating to sentencing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, as amended, R. Wright. Sentencing: intensive ~~correctional~~ probation supervision program.

Existing law provides as a sentencing option for convicted felons, that the felon be placed on probation with

court-ordered conditions of probation, if eligible, or sentenced to a term of imprisonment in the state prison.

This bill would set forth legislative findings and declarations of intent in regard to ~~prison crowding domestic violence~~ and the need for ~~community-based probation and parole sanctions as alternatives to imprisonment in the state prison to reduce repeat domestic violence offenses the terms of probation, as specified.~~

This bill would provide for the awarding of grants for the establishment of intensive supervision programs, as specified, for which ~~persons are determined a county is required to establish a strategy committee or utilize its domestic violence council to be eligible pursuant to prescribed criteria for a grant.~~

~~This bill would specify that the chief probation officer of each participating county would be responsible for the county program under the bill and for coordinating and contracting for all related services. The bill would also specify that the Board of Corrections would have administrative responsibility for, and oversight of, the county programs.~~

The bill would ~~express the intent of the Legislature to appropriate \$6,000,000 to the Board of Corrections \$50,000,000 in the Budget Act of 2000 for purposes of the probation demonstration program, and would appropriate \$180,000 to the board for its administrative costs. The bill would specify that grants provided to counties are intended to be used over a 12-month period, commencing with the date of disbursement of funds and are required to be distributed on a competitive basis to counties that expand or establish a young adult offender intensive supervision probation project, as specified~~ *programs expanded or established* under the provisions of this bill.

This bill would also require each ~~agency participating in the program to conduct an evaluation of the program and report its findings and conclusions~~ *county to provide specified data* to the Board of Corrections ~~at specified times and, commencing on June 2, 2002, would require the board to submit a report to the Legislature based on specified data.~~

The bill would provide that the above provisions shall remain in effect until January 1, 2004 2006, and as of that date are repealed.

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ —majority. Appropriation: ~~yes~~—no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. This act shall be known and may be cited~~

SECTION 1. This act shall be known and may be cited as the Domestic Violence Offender Intensive Probation Supervision Demonstration Program of 2000.

SEC. 2. The Legislature hereby finds and declares all of the following:

(a) Defendants convicted of offenses related to domestic violence such as spousal or partner assault, battery, or other associated crimes, are a growing threat to the safety and well-being of the citizens of California.

(b) Most domestic violence offenders are placed under county probation department supervision and county probation departments lack sufficient resources to closely supervise and provide treatment programming to these offenders.

(c) It is the intent of the Legislature that grants shall be provided on a competitive basis to counties that develop and implement comprehensive, cost-effective, intensive probation supervision, and treatment demonstration programs for offenders within the community to reduce the incidences of repeat domestic violence offenses consistent with the terms of probation provided by Section 1203.097.

SEC. 3. Chapter 3 (commencing with Section 13720) is added to Title 5 of Part 4 of the Penal Code, to read:

*CHAPTER 3. DOMESTIC VIOLENCE OFFENDER INTENSIVE
PROBATION SUPERVISION DEMONSTRATION PROGRAM OF*

2000

13720. This chapter shall be known and may be cited as the Domestic Violence Offender Intensive Probation Supervision Demonstration Program of 2000.

13721. (a) The Board of Corrections shall administer and award domestic violence offender intensive probation supervision demonstration grants on a competitive basis to counties that expand or establish intensive probation supervision and treatment programs related to domestic violence offenders consistent with the terms of probation provided by Section 1203.097.

(b) To be eligible for a grant, each county shall establish a strategy committee or utilize its domestic violence council that includes, at a minimum, the chief probation officer, as chair, and to the extent practicable one representative each from the prosecutor's office, the public defender's office, the sheriff's department, other local law enforcement agencies, the board of supervisors, the judiciary, the department of social services, the department of mental health, a community-based organization drug and alcohol program, a local victim or witness agency, two domestic violence advocates, and a victims' representative.

(c) The committee shall develop a comprehensive written local action plan to provide for the coordination of community services to ensure intensive supervision and treatment programs for domestic violence offenders. The local action plan shall include, but not be limited to, the following:

(1) Identification of county needs to provide intensive probation supervision and treatment programs for domestic violence offenders.

(2) Identification of program goals and clear, measurable performance objectives, including coordination of community resources.

(3) Identification of the target group.

(4) Specific selection criteria and process (and exclusionary criteria). The selection process shall include

1 *mental health or psychopathology assessment and*
2 *substance abuse assessment.*

3 *(5) Identification of intensive probation supervision*
4 *and treatment methods that will be used to punish and*
5 *hold offenders accountable for their behavior, control risk*
6 *and structure offender activities to address public safety*
7 *concerns, provide offenders an opportunity to solve*
8 *problems that contributed to criminality, and develop*
9 *skills to enable successful community adjustment. These*
10 *supervision and treatment methods shall include, but are*
11 *not limited to:*

12 *(A) At least weekly face-to-face contact between a*
13 *probation officer and the offender (with caseload ratios*
14 *that do not exceed one officer to 30 offenders) and*
15 *permissible random searches of offenders.*

16 *(B) Regular chemical testing for use of alcohol or*
17 *controlled substances, or both, where the use of these has*
18 *been prohibited as a condition of program participation*
19 *or by order of the court.*

20 *(C) At least weekly contact between a probation*
21 *officer and the offenders employer, educational*
22 *institution, treatment program or counselor.*

23 *(D) Victim assistance services including, but not*
24 *limited to, victim notification of the terms and conditions*
25 *of probation and offender program participation and to*
26 *develop a victim safety plan to outreach to victims in*
27 *partnership with a local domestic violence shelter.*

28 *(E) Availability for offender referral to state-licensed*
29 *inpatient and outpatient treatment programs for alcohol*
30 *and drug abuse when appropriate.*

31 *(F) Offender participation in programs that involve*
32 *job training or placement or education, or any*
33 *combination thereof, for those who are medically capable*
34 *and are not employed full time or enrolled full time in*
35 *school or a vocational training program.*

36 *(6) Expected length of the intensive probation*
37 *supervision program participation and discharge criteria*
38 *and processes.*

39 *(7) Sanctions that will be used for technical program*
40 *violations and new offenses, including mandatory return*

1 to court for any new offense involving an act of violence,
2 verifiable threats of harm, weapons possession, or drug or
3 alcohol use if prohibited by condition of program
4 participation or order of the court.

5 (8) Identification of specific outcome and
6 performance measures and a plan for at least semi-annual
7 reporting that will allow the board to evaluate the
8 effectiveness of the intensive supervision program.

9 (d) The board shall award grants for up to four years
10 to counties to develop local action plans and implement
11 demonstration programs. Funds shall be used to
12 supplement, rather than supplant, funding for existing
13 planning and programs. No grant shall be awarded unless
14 the applicant makes available resources in an amount
15 equal to at least 25 percent of the amount of the grant. In
16 awarding grants, priority shall be given to those proposals
17 that include funding that exceeds 25 percent of the
18 amount of the grant. State funds regardless of source shall
19 not be used as local match for the purposes of this grant.

20 (e) The board shall establish minimum standards,
21 funding schedules, and procedures for awarding grants
22 that shall take into consideration, but not be limited to,
23 the following:

24 (1) Need and size of the eligible population.

25 (2) Cost-effectiveness.

26 (3) Demonstrated ability to administer the program,
27 provide victims services, and develop effective responses
28 to provide intensive supervision and treatment options.

29 (4) Demonstrated history of maximizing federal, state,
30 local, and private funding sources.

31 (f) The board shall establish requirements for the
32 evaluation of programs supported by this article and
33 create an evaluation design to assess the effectiveness of
34 the demonstration program that include, but are not
35 limited to:

36 (1) The rate of successful completion of probation and
37 batterer's or other treatment programs.

38 (2) The rate and type of victim related services that
39 are provided.

1 (3) *Recidivism measures, including the rate of*
2 *domestic violence rearrests and convictions.*

3 *Participating counties shall provide the board with*
4 *specific outcome and performance measures in a manner*
5 *prescribed by the board.*

6 (g) *Commencing on June 30, 2002, and annually*
7 *thereafter, the board shall submit a report to the*
8 *Legislature based on the evaluation design, with a final*
9 *report due on or before December 30, 2005, that provides*
10 *the results of the demonstration program and identifies*
11 *approaches worthy of replication or further*
12 *dissemination.*

13 (h) *This chapter shall remain in effect only until*
14 *January 1, 2006, and as of that date is repealed, unless a*
15 *later enacted statute, that is enacted before January 1,*
16 *2006, deletes or extends that date.*

17 SEC. 4. *It is the intent of the Legislature to*
18 *appropriate fifty million dollars (\$50,000,000) for the*
19 *purposes of this chapter in the Budget Act of 2000.*
20 *Funding for the Domestic Violence Offender Intensive*
21 *Probation Supervision Demonstration Program of 2000*
22 *shall be provided from the amount appropriated in Item*
23 *5430-101-0001 of the Budget Act of 2000. Up to 5 percent*
24 *of the amount appropriated in Item 5430-101-0001 of the*
25 *Budget Act of 2000 shall be transferred upon the approval*
26 *of the Director of Finance, to Item 5430-001-0001 for*
27 *expenditure as necessary for the Board of Corrections to*
28 *administer this program, including technical assistance to*
29 *counties and the development of an evaluation*
30 *component.*

31 ~~*as the Young Adult Offender Intensive Supervision*~~
32 ~~*Probation Project Act of 2000.*~~

33
34
35
36
37
38
39

**All matter omitted in this version of the
bill appears in the bill as amended in the
Senate August 17, 1999**